

1 **Central Wasatch Commission Meeting Minutes**
2 **Cottonwood Heights City Council Chambers**
3 **2277 East Bengal Boulevard, Cottonwood Heights, Utah**
4 **June 20, 2018**
5

6 The Central Wasatch Commission Board members met in open meeting on June 20,
7 2018, at 2:30 p.m. in the Cottonwood Heights City Council Chambers.
8

| Attendee Name | Title | Status |
|------------------|-------------------------------|---------|
| Andy Beerman | Commissioner | Present |
| Jackie Biskupski | Vice Chair | Present |
| Carlos Braceras | Commissioner | Present |
| Jim Bradley | Commissioner | Present |
| Ben McAdams | Commissioner | Present |
| Chris McCandless | Chair | Present |
| Mike Peterson | Commissioner | Present |
| Shane Topham | Legal Counsel | Present |
| Laura Briefer | SLC Public Utilities Director | Present |
| Carly Castle | SLC Special Projects Manager | Present |
| Ralph Becker | Executive Director | Present |
| Janine Calfo | Recorder | Present |

9
10 **A. Opening:**
11

12 Chair Chris McCandless opened the meeting at 2:35 pm.
13

14 **B. Public Comment:**

15 Chair McCandless opened the meeting for those who wished to address the
16 Commission.
17

18 Steve Van Maren from Sandy City read his submitted written comments.
19

20 Resolution 2018-13. Since funding sources expire on June 30, 2019, this would be a
21 good place to consider the cost of membership. Recall that Alta asked what the cost of
22 membership would be.
23

24 Section 2.c – requiring a 3 year deferral after application is denied seems punitive. If
25 they met the criteria, a 2 year deferral will find some change to the commission, and
26 should be enough for reconsideration.
27

1 Offering Park City membership on the commission:
2 Mr. Van Maren thinks that membership of both Park City and Summit County would be
3 appropriate as the Commission expands. I am concerned that Mayor Berman's letter of
4 application may disqualify Summit County from pursuing a separate seat. Please indicate
5 this action does not disqualify Summit County from applying for their own seat.
6

7 Resolution 2018-16 – Executive Committee

8 I welcome the formal construction and the limitation as set forth in the resolution. I do
9 think all commissioners should receive the proposed agenda, and if more than a
10 commission quorum want to attend, the meeting should be posted as a public meeting.
11 Remember you have a headwind on the open meetings issue, and acting proactively
12 would improve your image. It is likely that many of the communities of the Commission
13 members have open work meetings; don't consider the lack of attendance at those
14 meetings as an indicator of interest. It is not necessary to take public comment if the
15 actions will not be final.
16

17 I would like to suggest some values to fill in the blanks:

18 4.14.B – 2 year terms, 50% and 2 consecutive terms. This presumes that after a 1 year
19 break, the commissioner could be selected to serve again. It also presumes that when a
20 community replaces the commissioner representing them, they lose their seat on the
21 Executive Committee. You may want to add these clarifications.

22 1.14.C – 3 business days. This will allow responses by non-committee members to
23 indicate they want to attend, and still allow notice that meets Open Meeting
24 requirements.

25 1.14.D.8 – 10 Months, and \$50,000
26

27 Chair McCandless thanked Mr. Van Maren for his suggestions and stated that his
28 comments will be brought up as the issues come up on the agenda.
29

30 Kevin Dwyer, of the Salt Lake Valley Trails Society, asked for consideration of regular
31 annual meeting schedule. Due to problems with the notice system with the Utah Open
32 Meetings website, updates and materials are not received and links are broken.
33 Agendas are not readily available to the public on the website. He asks the Commission
34 to work to mitigate the situation.
35

36 Executive Director Becker stated that the Commission is currently working on the new
37 website and email addresses and indicated that Legal Counsel Shane Topham can give
38 more input. Commissioner McCandless stated that comments can be forwarded to him
39 in the interim.
40

1 **RESULT: APPROVED**

2 **AYES:** Commissioners Beerman, Biskupski, Bradley, McAdams, McCandless and
3 Peterson

4 **EXCUSED:** Commissioner Braceras

5
6 Chair McCandless closed the public comment portion of the meeting.

7
8 **C. Commissioner Comment:**

9 No comments.

10
11 **D. Discussion of Possible Annual Meeting Schedule:**

12 Executive Director Becker discussed a monthly proposed meeting schedule to be ready
13 before the next meeting of the CWC.

14
15 Chair McCandless introduced Executive Director Ralph Becker as a new member of the
16 Commission.

17
18 Chair McCandless mentioned that the proposed date would be the third Thursday of the
19 Month to be held at the Cottonwood Heights City Council Chambers.

20
21 **E. Discussion and Possible Appointment of Additional Members:**

22
23 i. The Commission discussed increasing the number of members from 7 to 10 members
24 and Commissioners.

- 25 a) Consideration of **Resolution No. 2018-13** amending and restating the
26 CWC's criteria and process for adding additional members to allow a
27 maximum of 10 members and ten Commissions

28
29 Commissioner McAdams moved to adopt **Resolution No. 2018-13**, amending and
30 restating the CWC's criteria and process for adding additional members to allow a
31 maximum of 10 members and ten Commissions. Commissioner Peterson seconded the
32 motion.

33
34 **RESULT: APPROVED**

35 **AYES:** Executive Director Becker, Commissioners Braceras, Bradley, Beerman and
36 Director Biskupski

37 **EXCUSED:** Shane Topham

1 ii. Consideration of **Resolution No. 2018-14** offering membership in the CWC to Park
2 City.

3
4 Park City will not resign its seat as a Wasatch Back commissioner until after they have
5 been approved by the four founding members of the CWC.

6
7 Commissioner McAdams moved to adopt **Resolution No. 2018-14**, adopting the policy
8 to offer membership in the CWC to Park City. Commissioner Petersen seconded the
9 motion.

10

11 **RESULT: APPROVED**

12 **AYES:** Executive Director Becker, Chair McCandless, Vice Chair Biskupski and
13 Commissioners Braceras, Bradley and Beerman

14 **EXCUSED:** Shane Topham

15

16 iii. Consideration of **Resolution 2018-15** offering membership in the CWC to Millcreek
17 City.

18

19 Comments:

20

21 Mayor Jeff Silvestrini spoke that he is prepared to commit with their time and are happy
22 to accept membership on the commission.

23

24 Commissioner Bradley moved to adopt Resolution 2018-15, adopting the policy to offer
25 membership in the CWC to Millcreek City. Commissioner Braceras seconded the
26 motion.

27

28 **RESULT: APPROVED**

29 **AYES:** Executive Director Becker, Chair McCandless, Vice Chair Biskupski and
30 Commissioners Peterson, Bradley and Beerman

31 **EXCUSED:** Shane Topham

32

33

34 **F. General Administration Matters:**

35

36 i. The Commission will discuss hiring of new staff for the CWC.

37 Discussion of hiring new staff to the CWC. Chair McCandless asked Executive Director
38 Becker to give a summary of the Resolution. Executive Director Becker stated that there

1 are two positions that have been advertised, based and the discussion of this group at
2 the last meeting. One position is for Chief of Staff, and the other a Communications
3 Director. The posting for the Communications Director position went up today, the other
4 went up last week. There has been a lot of interest in the two positions. If Resolution
5 2018-16 is approved, the process will be able to move forward.

6
7 ii. The Commission will consider **Resolution No. 2018-16** amending the CWC's bylaws
8 to empanel and delegate certain authority to an Executive Committee and to designate
9 the initial members of the Executive Committee.

10
11 Comments:

12
13 Do the new hires fit within the budget that was discussed in the last meeting? Chairman
14 McCandless stated that the new positions will fit comfortably.

15
16 Commissioner McCandless asked for a summary of the motion from Executive Director
17 Becker. Executive Director Becker discussed the key points from the executive
18 committee and read from the Proposed Addition to section 4.14 to the CWC Bylaws,
19 concerning the Executive Committee.

20
21 The Executive Committee will be comprised of members of the governing board of the
22 CWC. There will initially be three members of the Executive Committee, one of which
23 will always be the Chairman of the governing board, with two additional members. The
24 purpose for that number is to keep the number on the Executive Committee well below
25 a quorum of the governing board so that when the Executive Committee meets, it is not
26 constituting also a meeting of the governing board.

27
28 The members, other than the Chairman, will serve staggered two year terms and can
29 serve up to two terms upon appointment by the governing board. A member can be
30 removed, with or without cause, upon majority vote of the governing board.

31
32 The meetings of the Executive Committee will occur upon prior notice of one business
33 day to the members. Because the EC will be allowed to make some limited decisions,
34 consulting with the Director concerning administrative matters and approving some
35 things that may need to happen quickly, it will be a public body for purposes of the Open
36 Meetings Act and will need to comply as such.

37
38 In section D of the proposed By Laws amendment, it goes through the things that the
39 Executive Committee can do. It is intended to be a primary liaison with the Director and
40 with the Director' staff to allow the work of the CWC to proceed expeditiously.

1 Certain major contracts could get preliminary approval by the Executive Committee, but
2 would need to go back to the Governing Board for final approval.

3
4 Chairman McCandless proposes \$5,000 budget.

5
6 A comment was made that when the CWC members increase to ten, the members of
7 the Executive Committee should also increase from three to four.

8
9 Chair McCandless asked Shane Topham if the term of the Chair is retroactive to
10 January 1, 2018. Counsel Topham stated that the term of the Chair is not subject to
11 terming on the Executive Committee and was not sure what the term limit was for the
12 Chair of the governing board.

13
14 The decision for the three appointed for the Executive Committee was made to include
15 the Chair and the Vice Chair and Commissioner Peterson.

16
17 Vice Chair Biskupski moved to adopt Resolution No. 2018-16. Commissioner Braceras
18 seconded the motion.

19 **RESULT: APPROVED**

20 **AYES:** Commissioners Beerman, Peterson, Bradley, McCandless and McAdams

21 **EXCUSED:**

22
23 **G. Discussion of the CWC Retreat and Future CWC Meetings:**

24
25 Executive Director Becker noted that there is a short timeline for the Commission.
26 Looking at having a meeting of the full Commission for a Retreat. The view of Chair
27 McCandless was to have a special meeting to consider the legislation and pick a date
28 for a retreat sometime this summer.

29
30 The proposed date for the special meeting is July 9th. Chair McCandless agrees that
31 there is a lot of work that needs to be done in a very short amount of time and will
32 confirm the meeting date as proposed. Agenda will be posted at the appropriate date
33 and time.

34
35 Vice Chair Biskupski asked if there is a website or email set up for Executive Director
36 Becker. There is not. This is something that the Commission is working on at this time.
37 Ralph Becker has a personal email address that can be used in the interim. Chair
38 McCandless also said that his email address cmccandless@sandy.utah.gov and he is

1 available to distribute correspondence as required. As soon as the new website is up it
2 will be distributed.

3
4 Vice Chair Biskupski asked what the budget was for the Commission. SLC Public
5 Utilities Director Laura Briefer noted that the employment budget is about \$250,000.

6
7 **H. Public Comment on the Central Wasatch National Conservation and Recreation**
8 **Area Act.**

9
10 Executive Director Becker made a presentation of the Central Wasatch National
11 Conservation and Recreation Act and gave a brief overview of the legislation.

12
13 One piece of the legislation is to create a new Federal Designation as a National
14 Conservation and Recreation Area and the proposed boundaries. What would happen
15 within the management of the new area? The Federal designation applies to the
16 Federal lands.

17
18 Authorize land exchanges within the forestry areas that are part of the designation and
19 federal land. The basic direction of the ski areas would be to consolidate the base areas
20 into private hands. This would remove the overlay of the forestry department overview
21 on the private businesses. The ski areas would give up ownership of the forested areas
22 that would then become federal. There would be direct exchanges.

23
24 The legislation also provides ostensibly for a number of issues, such as transportation,
25 and provides for some modifications for a sliver of wilderness area to provide for trails,
26 gives future expansion for ski areas, and establishing an environmental dashboard.

27
28 Public Engagement that went in to Mountain Accord to have the participants be
29 inclusive and to have many of the interested engaged. Participants signed a mission
30 statement to work together to form a consensus for all of the major issues. There was a
31 desire to make opportunities for the general public to weigh in. There were four
32 committees that were formed and 30-40 people were involved. These committees meet
33 monthly over 18 months and their information fed into an Executive committee. The
34 Executive Committee met over a 2 day retreat to agree on the details of the agreement.

35
36 Chair McCandless opened the meeting to public comment.

37
38 Kevin Dwyer, Salt Valley Trails Society, stated that there are 65K enthusiast in the
39 valley who ride their bike more than once a month during the season. Generates
40 \$30,000,000 in sales over the year. The Salt Lake Valley Trails Society is generally

1 supportive of the legislation. There was inadequate notice to look at the map and
2 appears to have been altered and changed. Need to get together with the Forest
3 Service to review the map.

4
5 White Pine is an existing mountain biking area and the removal of the area would be
6 detrimental. Bikers will not be able to go up and down the canyons without staying off of
7 the road. They would have no more impact than the helicopters that are currently using
8 the areas.

9
10 Evan Johnson, landowner in Big Cottonwood Canyon, would like to support the
11 legislation but feels that the private property owners were intentionally cut out of the
12 process. Mr. Johnson feels that private properties are being bullied by Salt Lake City.

13
14 There seems to be some misunderstanding about the issues of the canyon. 50 percent
15 of the water from Cottonwood Creek is not used for culinary use. Salt Lake City water
16 treatment costs are ten times higher than other sources and requests equal treatment of
17 private citizens in the canyon.

18
19 Megan Nelson, of the Nature Conservancy, stated that all life depends on the Wasatch
20 Canyons. Encouraged by and appreciative of the support of the Act. The Nature
21 Conservancy is supportive of the legislation.

22
23 C Fisher supports the legislation as it works through the process and had three items to
24 bring up. First, the importance of the bill to provide protection to the designated land.
25 Without the legislation, vulnerability will be expected to increase. Second, the
26 importance of doing what is right. Created locally and supported nationally. Final point is
27 the importance of satisfying outstanding issues. Despite all if the changes, the
28 conviction of the Commission is a fitting tribute.

29
30 Brian Hutchinson applauds the effort but have grave concerns about the execution.
31 Need to revisit handing over the total responsibility. More people need to be added to
32 the group to add the residents of Utah Valley who have access to the canyons. The
33 responsibility should be to the general public. The canyon are degraded and what
34 measures will be taken to restore the forest? Need to work toward restoration of the
35 forest and preservation of the ridgelines. Mr. Hutchinson feels that the bill needs to slow
36 down. Needs to have milestones and goals in place.

37
38 Sarah Bennett, Executive Director of Trails Utah, wished to express support for the
39 Commission and the time that is being devoted to addressing the issues of the
40 Wasatch. There is more pressure than ever on the open spaces. The bill is a fantastic

1 achievement. In 2016, Trails Utah was not able to support the bill due to wilderness
2 retractions to allow for a shared used Bonneville Shoreline Trail did not match the needs
3 of the trail and were not ground proved. The alignment on which the wilderness
4 retractions were based were created in front of a computer screen in 2004. When Trails
5 Utah got on the ground to try to ground prove the alignment, it quickly became clear that
6 the wilderness retractions were not going to be adequate. As the bill exists now, it
7 becomes a lose/lose proposition for wilderness advocates and for trail enthusiasts.
8 Trails Utah is working with Save Our Canyons and other entities to get the information
9 needed in the next nine days to the Commission to make responsible changes to the
10 bill.

11
12 Jim Byrne is the Co-Chair of the Bonneville Shoreline Trail and gave a historical
13 perspective on how critical it is to deal with the small wilderness adjustments in the
14 legislation. The initial plan in 2005 of the Bonneville Shoreline Trail had imminent
15 domain, which has since been repealed in 2006. No county or city had every used
16 imminent domain. There are certain areas in the wilderness that have a critical problem
17 of getting trails across private land and can be solved by making adjustment to the
18 wilderness boundary.

19
20 Taylor Money, Save Our Canyons, is interested in gaining support for the legislation and
21 is interested in seeing the area protected for recreation areas. Save Our Canyons has
22 gathered dozens of signatures over several events in Utah County.

23
24 Ed Marshall, Flying Cloud Enterprises, Inc., put his comments in writing and distributed
25 them during the meeting. The four topics listed include; Vetting by the Salt Lake County
26 Community Councils and the Salt Lake County Council are Essential for any Real
27 Consensus, and they must not be denied again this time; The transportation solution
28 provisions of the NCRA must be finalized and guaranteed this time, before the
29 legislation is resubmitted to Congress; Another Federal “wilderness” area is not
30 necessary or desirable in Millcreek Canyon, which is a developed urban canyon used
31 by local residents for diverse forms of recreation; The revisions that Mountain Accord’s
32 representatives promised to the private property owners must be made before the
33 NCRA legislation is introduced again to Congress. Mr. Marshall asked if there were any
34 questions on his written comments. No comments were made and Chair McCandless
35 stated that the Commission will review his submission.

36
37 Caroline Glych, locally based environmental activist, makes her living in the recreational
38 area and has found joy in the back country. Concerned about the balance of the ski
39 resorts and the back country. When the resorts open in the winter, she loses access to

1 a lot of area to train in, such as Grizzly Gulch. Concerned that the maps that have been
2 generated do not show access properly.

3
4 Brad Rutledge, Wasatch Back Country Alliance, is a citizen who is concerned about
5 protecting the back country. If the Act is going to be re-introduced, all parties should be
6 committed to Grizzly Gulch. The Alta Ski Lifts desired land exchange is not supported
7 by the Alliance. The maps are inaccurate and wrong. Grizzly Gulch is still indicated as
8 private land. The Brighton Ski Area expansion goes into Bonanza Flat. The Wasatch
9 Back Country Alliance urges the slowdown of the process to make sure the maps are
10 accurate.

11
12 Linda Johnson, Mountain Planning Commission for Salt Lake County and
13 Environmental Quality Advisory Committee of the Health Department, gave a science
14 based opinion. There are worries about the watershed and fire danger. By 2050, the
15 temperature will continue to rise. Need to make sure that fire protection is addressed.
16 The forest service is doing a climate assessment for the Rocky Mountains and their
17 recommendations should be followed for safety.

18
19 Dr. Howie Garber, Utah Physicians for a Healthy Environment, stated that Executive
20 Director Becker has the skill to help pass the bill to protect the wildlife and protect the
21 ski resort boundaries. The public does not want Grizzly Gulch developed. This Bill
22 would end private property disputes.

23
24 Greg Shiffman, Granite Council, stated that any legislation that gets rushed, generally,
25 gets screwed up. Solitude Ski Resort was bought out by KSL. There are a lot of flaws in
26 the Bill that needs to be addressed. There was not a lot of input from the Valley
27 constituents. The Commission needs to slow down and address the concerns of
28 everybody. There are 50 houses that are dependent on irrigation water. What are the
29 intentions of the Commission to protect the water? Chair McCandless says that there is
30 no answer to be given tonight. Need to submit these questions to the Commission for
31 them to be addressed. Water rights will be reviewed by the legal team.

32
33 Kyle Buxton, Board member of Big Cottonwood Community Council, owns close to 700
34 acres in the canyon. The meetings of the Commissions need to be held in the evening
35 to be able to accommodate working people. When Mountain Accord was put together,
36 there were private land owners who have to fight to use their trucks to their property. Mr.
37 Buxton was of the understanding that Mountain Accord and the CWC were the same
38 entity. Private land owners were not invited to the Mountain Accord meetings.
39 Doesn't appreciate what has happened with the land trades. Completely opposed to the
40 Federal Designation. Encroaching and devaluing the property.

1
2 Bill Clinton is a homeowner in Big Cottonwood Canyon. He wants the commission to
3 protect the rights of the private property owners. There are some potential land mines
4 in the legislation. None of the changes that were proposed have been added to the new
5 legislation. Would like to put his thoughts in writing and will present them to the Chair to
6 protect small water systems.
7

8 Norm Henderson, stated that there are several important issues that need to be
9 addressed and resolved. Transparency and open meetings. There is ongoing litigation
10 with Mountain Accord and the open meetings law. It appears that Mountain Accord was
11 in clear violation. Conflicts disclosures and the campaign contributions of members of
12 the Board. Need a full financial disclosure of the members of the Committee. The
13 Argentos Dam? The legislation does not allow for construction of the dam.
14

15 Barbara Cameron, Big Cottonwood Community Council, has a letter that notes the
16 concerns that the council has. Toilets, Trails and Transportation are the key issues. The
17 Federal Designation will increase canyon visitation.
18

19 James Thompson, Resident of Millcreek City, is generally in support of protecting the
20 mountains and wilderness. Certain trails need to be designated as foot trails. The
21 crowding in the canyons is getting extreme. The trailheads are full of cars in the middle
22 of the week. Appreciate the effort to deal with the problems and hope there can be
23 compromises made to push the legislation. A fan of Grizzly Gulch. Some of the water
24 coming out of the mines is tainted.
25

26 Jennifer Clancy, Executive Director of Friends of Alta, stated that Friends of Alta has
27 been dedicated to Mountain Accord. Want to support the Commission's mission. The
28 bill will establish 8,000 acres of protected area. Support is contingent on NEPA analysis
29 and is thoughtfully considering the legislation.
30

31 Allen Orr, Alta Ski Area, has been involved with Mountain Accord from the beginning.
32 Transportation issues are important. Continue to work on issues with Grizzly Gulch.
33 Commitment to exchange private property was contingent with transportation and a
34 connection with Big Cottonwood to Little Cottonwood Canyons.
35

36 Tyson Bradley, Utah Mountain Adventures, is the original guide service in the Wasatch
37 Front since 1993. Involved with Mountain Accord process as a stake holder. Need to
38 understand more details before the bill is submitted to Congress. Back country skiing is
39 a growing industry.
40

1 Mark Beir is a constituent and wished to thank the members of the Commission for
2 taking the issues seriously. Look for market based solutions.

3
4 Will McCarvill, Chair of Utah Chapter of the Sierra Club, would like to be able to be
5 supportive, but it is predicated on some minor changes to the bill. The Wasatch has
6 shrunk and the pressure on resources is immense. The use of the Wasatch has been
7 concentrated and the bill is needed to preserve the recreation areas.

8
9
10 Chairman McCandless sincerely appreciates the group that is pleasant. He promises
11 that the first thing that the Commission wants to do is to do it right.

12
13 **I. Other Business:**

14
15 **J. Adjournment:**

16 With no further business, the meeting was adjourned.

17
18
19 _____
Janine Calfo, Recorder